

**MATTHEW FLAMM**

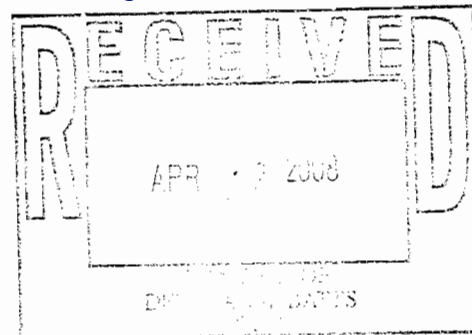
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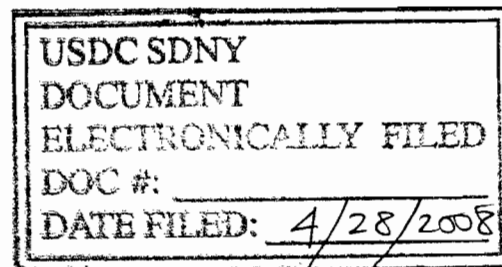
(718) 797-3117 FAX (718) 522-2026



By Hand

April 22, 2008

The Honorable Deborah A. Batts  
United States District Court  
500 Pearl Street  
New York, New York 10007



Re: Patrick Henry v. City of New York and Others  
07 CV 9928 (DAB)(DCF)

Your Honor:

I represent Patrick Henry in this \$1983 prisoner rights suit alleging failure to protect plaintiff while he was a pretrial detainee held on Rikers Island in August 2006. Mr. Henry, who had and has no gang affiliation and was eventually acquitted of the charges against him, was assaulted by members of the Crips gang while various Correction personnel were away from their posts. Plaintiff sustained substantial injuries, including a fractured vertebra and nose.

This letter explains why plaintiff has been unable to identify the John Doe defendants so that issue can be joined and an initial pretrial conference held. The long and short of it is that the City has for months resisted and delayed identifying the Correction personnel involved and producing records regarding the incidents. Yesterday, April 21, 2008, and only after Your Honor's April 17, 2008 Order regarding the John Doe defendants, did the Corporation Counsel's office disclose some documents regarding one of the two incidents underlying this suit.

Plaintiff expects to be able to amend the pleading by early next week but the City still has not provided the current employment addresses for service on the newly-identified defendants. Plaintiff asks that Your Honor (1) Order the City to forthwith provide the current employment addresses of Captain Irshaad Weston, Officer Shondel McIntyre and Officer V. Gilles; (2) and schedule an initial pretrial conference. Alternatively, and because plaintiff expects there will be discovery disputes needing resolution, Your Honor should consider referring this to Magistrate Freeman for general pretrial supervision.

**MEMO ENDORSED**

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granted  
DAB  
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MEMO ENDORSED

The Details

The City was served on November 30, 2007. Mr. Henry simultaneously provided his Rule 26(a) disclosures and asked defendant to "take prompt actions to identify and provide the employment addresses of the Correction Department employees directly involved in the incident - particularly the Correction personnel assigned to GRVC Block 13 A, B and C posts." Plaintiff also asked the City to gather and produce the facility and Department investigative files regarding the incidents, the documents concerning inmate disciplinary action taken as a result of the incidents and Mr. Henry's inmate folder. By letters dated February 20, March 14 and April 3, 2008, plaintiff repeated his requests.

I also had several telephone calls with defense counsel about when this basic information would be disclosed. Having no satisfaction, plaintiff wrote Your Honor on March 14, 2008 asking for an initial pretrial conference.

Yesterday, and apparently in response to Your Honor's April 17, 2008 Order, the Corporation Counsel's Office produced the facility investigation file for one of the two incidents. Among the basic documentation remaining undisclosed, however, is Mr. Henry's inmate folder, the facility and Department files for both incidents, and the documents concerning inmate disciplinary action taken as a result of the incidents.

Plaintiff asks that Your Honor (1) Order the City to forthwith provide the current employment addresses of Captain Irshaad Weston, Officer Shondel McIntyre and Officer V. Gilles (2) and schedule an initial pretrial conference. Alternatively, Your Honor should consider referring this to Magistrate Freeman for general pretrial supervision.

Respectfully submitted,


  
Matthew Flamm

cc: David Pollack  
Assistant Corporation Counsel  
By Facsimile Transmission

MEMO ENDORSED

*As shall provide all identifying and location information for John Doe within 30 days of the date of the Order.*

**SO ORDERED**

  
DEBORAH A. BATTS  
UNITED STATES DISTRICT JUDGE